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date as may be specified therein, cancel such suspension, whereupon the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939, amended as aforesaid, shall come into force in the whole of the Province of Madras on the date so specified. Madras Act VIII of 1939.

Effect of suspension of Madras Act VIII of 1939.

4. So long as the operation of the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939, remains suspended by virtue of section 3 of this Act, section 4 of the Madras General Sales Tax Act, 1939, shall have effect as if for the words, brackets and figures "manufactured tobacco as defined in the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939" occurring therein, the words "tobacco in any form, whether manufactured or not," had been substituted. Madras Act VIII of 1939. Madras Act IX of 1939. Madras Act VIII of 1939.

Repeal of Madras Act XII of 1944.

5. The Madras Tobacco Taxation of Sales and Licensing (Repeal) and General Sales Tax (Amendment) Act 1944, is hereby repealed; and by reason of such repeal, the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939, as amended by Madras Act IV of 1940 shall, subject to the provisions of section 3 of this Act, be deemed to have revived. Madras Act XII of 1944. Madras Act VIII of 1939

APPENDIX. IV

[Vide item IV (4) on page 165 supra.)

A Bill for imposing certain restrictions on habitual offenders in the Province of Madras.

(As passed by the Assembly.)

WHEREAS it is expedient to impose certain restrictions on habitual offenders in the Province of Madras; It is hereby enacted as follows:—

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Madras Restriction of Habitual Offenders Act, 1948.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force on the 29th day of April 1948.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "district" includes the presidency-town;

(2) "District Magistrate" means in the case of the presidency-town, the Commissioner of Police;

(3) "Government" means the Provincial Government;

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(4) " habitual offender " means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three occasions, for one or another of the offences under the Indian Penal Code set forth in the Schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion ;

Central Act XLV of 1860.

Explanation.—The passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, shall be deemed to amount to the passing of a sentence of substantive imprisonment within the meaning of this clause.

Central Act V of 1898.

(5) " notification " means a notification published in the *Fort St. George Gazette* ;

(6) " notified offender " means a habitual offender in respect of whom a notification has been issued under section 3 and is in force ;

(7) " prescribed " means prescribed by rules made under this Act ;

(8) " settlement " means a settlement established or deemed to be established under section 8.

NOTIFICATION OF OFFENDERS AND RESTRICTIONS OF THEIR MOVEMENTS.

Power of Government to notify habitual offenders.

3. (1) The Government may, by notification,—

(*a*) if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification ;

(*b*) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under sub-section (1), clause (*a*), or modified to his disadvantage under sub-section (1), clause (*b*), a reasonable opportunity shall be given to him to show cause against such issue or modification.

Delegation of powers to District Magistrate.

4. The Government may, by notification, delegate their powers under section 3 to a District Magistrate, in respect of persons ordinarily residing in his district, subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by them.

Notified offenders to intimate residence and change o resi denf oe

5. Every notified offender shall intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom :

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Provided that the District Magistrate or any officer authorized by him may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

Power to restrict movements of notified offenders.

6. (1) If, in the opinion of the Government, it is expedient to do so, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the Government shall consider—

(i) the nature of the offences, if any, of which the offender has been convicted and the circumstances in which they were committed ;

(ii) whether the offender follows any lawful occupation, and whether such occupation is a real one or merely a pretence for facilitating the commission of offences ;

(iii) the suitability of the area to which his movements are to be restricted ;

(iv) the manner in which it is proposed that he should earn his living in such area, and the adequacy of the arrangements therefor.

Power to cancel or alter such restrictions.

7. The Government may, by notification, cancel any declaration made under section 6 or alter any area notified under that section or this section ; and the District Magistrate may, by order in writing, alter any area notified under section 6 or this section into any other area situated in his district :

Provided that, before issuing any such notification or order, the Government or the District Magistrate shall consider the matters referred to in section 6, sub-section (2), in so far as they may be applicable.

SETTLEMENTS.

Power to place notified offenders in settlements.

8. The Government may establish industrial, agricultural or reformatory settlements and may order any notified offender to be placed in any such settlement.

Power to discharge or transfer persons from settlements.

9. The Government or any officer authorized by them may, at any time, by order, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

Power to subject voluntary residents in settlements to restrictions and penalties.

10. The Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

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Rules.

11. (1) The Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(*a*) all matters required or allowed by this Act to be prescribed;

(*b*) the restrictions to be observed by notified offenders in respect of whom notifications or orders have been issued under section 6 or section 7;

(*c*) the grant of certificates of identity to notified offenders, and the inspection of such certificates;

(*d*) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled;

(*e*) the inspection of the residences of notified offenders;

(*f*) the terms upon which notified offenders may be discharged from the operation of this Act;

(*g*) the management and supervision of settlements including the discipline and conduct of the persons placed in them;

(*h*) the periodical review of the cases of all persons who have been placed in any settlement under this Act.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication shall have effect as if enacted in this Act.

Penalties and Procedure.

12. Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder, shall be punishable— Penalties.

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both;

(*b*) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

13. If a notified offender—

(*a*) is found outside the area to which his movements have been restricted, in contravention of the conditions under which he is permitted to leave such area, or Arrest of notified offenders

(*b*) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman and taken before a Magistrate who, on proof of the facts, shall order him to be

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removed to such area or to such settlement, there to be dealt with in accordance with this Act and any rules made thereunder.

Rules for the removal of prisoners to apply in certain cases.

14. Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 8 or to be removed under section 13 :

Provided that no order from the Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

Miscellaneous.

Bar of jurisdiction.

15. No Court shall question the validity of any notification (other than one under section 3), or order, issued under this Act.

Effect of certain orders passed under Criminal Tribes Act, 1924, etc.

16. (1) In respect of every person who stood registered under the Criminal Tribes Act, 1924 (hereinafter in this section referred to as the said Act) at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, or convicted of an offence under section 24 of the said Act or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under section 3, sub-section (1), of this Act, declaring him to be subject to all the provisions of this Act; and this Act shall apply to every such person accordingly.

Central Act VI of 1924.

Central Act V of 1898.

(2) Every notification issued in respect of any person under section 3 of the Madras Restriction of Habitual Offenders Act, 1943, and in force at the commencement of this Act, shall be deemed to have been issued under section 3, sub-section (1) of this Act, all references in that notification to the provisions of the said Act and the rules made under it being construed as references to the corresponding provisions of this Act and the rules made under it.

Madras Act XXX of 1943.

(3) Any notification or order issued or made under the said Act in respect of any person referred to in sub-section (1) or sub-section (2), and in force at the commencement of this Act, restricting the movements of such person or placing him in a settlement shall be deemed to have been issued or made under this Act.

(4) All settlements established under section 16 of the said Act and existing at the commencement of this Act shall be deemed to have been established under section 8 of this Act.

R peal of Madras Act XXX of 1943.

17. The Madras Restriction of Habitual Offenders Act, 1943, is hereby repealed.

Madras Act XXX of 1943.

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Madras Act X of 1947.

18. In the Criminal Tribes (Madras Repeal) Act, 1947— Amendment of Madras Act XI of 1947.

(i) for section 1, sub-section (2), the following sub-section shall be substituted, namely :—

"(2) It shall come into force on the 29th day of April 1948." ;

(ii) in section 2, the words and figures "except for the purposes of section 3 of the Madras Restriction of Habitual Offenders Act, 1943" shall be omitted.

THE SCHEDULE.

[*See* section 2 (5).]

CHAPTER XII.

Sections.

231 Counterfeiting coin.

232 Counterfeiting Queen's coin.

233 Making or selling instrument for counterfeiting coin.

234 Making or selling instrument for counterfeiting Queen's coin.

235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.

239 Delivery of coin, possessed with the knowledge that it is counterfeit.

240 Delivery of Queen's coin possessed with the knowledge that it is counterfeit.

242 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

243 Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI.

299 Culpable homicide.

307 Attempt to murder.

308 Attempt to commit culpable homicide.

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326 Voluntarily causing grievous hurt by dangerous weapons or means.

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328 Causing hurt by means of poison, etc., with intent to commit an offence.

329 Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.

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Sections.

332 Voluntarily causing hurt to deter public servant from his duty.

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385 Putting person in fear of injury in order to commit extortion.

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390 Robbery.

391 Dacoity.

393 Attempt to commit robbery.

394 Voluntarily causing hurt in committing robbery.

397 Robbery or dacoity, with attempt to cause death or grievous hurt.

398 Attempt to commit robbery or dacoity when armed with deadly weapon.

399 Making preparation to commit dacoity.

402 Assembling for purpose of committing dacoity.

457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.

458 Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.

459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.